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The Legal Status of Villagers in Mediaeval Serbia

1. Introduction – In Serbian fourteenth century sources, *sebar* (commoner) was the general word for anyone not of noble or gentle birth. The expression was mentioned for the first time in the Serbian translation of Matheas Blastares' *Syntagma*. Accepting the main distinction in the law of persons according to Roman jurist Gaius, that all men are either free or slaves (*Inst. I, 9: Et quidem summa divisio de iure personarum haec est, quod omnes homines aut liberi aut servi sunt*), the Serbian translator says that among those who are free there exist *počteni* (noble, gentle, honest, in Greek text *έντιμοι*, and *sebri*, denoting common, vulgar, low, base (*εὐτελείς* in the Greek original)).¹ In several articles (53, 55, 85, 94 and 106) of Dušan's Law Code, a commoner (*sebar*) is opposed to a nobleman (*vlastelin*),² providing different penalties for the same trespasses. Among other things, it is stated in article 85 of the Prizren transcript that: *...if he be noble let him pay one hundred perpers: and if he be not noble, let him pay twelve perpers and be flogged with sticks (...ako bude vlastelin, da plati sto perper; ako li ne bude vlastelin, da plati dvanaest perper i da se bije stapi)*.³ However, all other manuscripts of Dušan's Code replace the words „if he be not noble” with the terms „if he be commoner(*sebar*)”. One may conclude that the expression *sebri* (commoners) was the general name for all dependent (mostly village) inhabitants of mediaeval Serbia. According to the opinion of Taranovski, the word *sebar* replaced the old Serbian name for peasant – *сръбль*

¹ Greek text edited by G. A. RALLES – M. POTLES, Μαθαίου του Βλαστιάρεως Σύνταγμα κατὰ Στοιχείον, Athenai 1859, p. 481. Serbian text edited by S. NOVAKOVIĆ, *Matije Vlastara Sintagma*, Beograd 1907, pp. 509–510. Cf. and pp. 506 and 523. On the meaning of the word *sebar* see S. Novaković, *Die Ausdrücke себрь, поч'мень und мьрон'шина in der altserbischen Übersetzung des Syntagma von M. Blastares*, *Archiv für slavische Philologie*, IX (1886), pp. 521–523; Cf. S. ŠARKIĆ, *Divisione Gaiana delle persone in diritto medievale serbo*, *Zbornik radova Pravnog fakulteta u Splitu*, god. 43 – broj 3–4/2006 (83), pp. 355–360. V. MAŽURANIĆ, *Prinosi za hrvatski pravno povjestni rječnik*, Zagreb 1908–1922 (reprint 1975), pp. 1295–1296; P. SKOK, *Etimologijski rječnik hrvatskoga ili srpskoga jezika*, Zagreb 1973, vol. III, p. 210.

² On legal position of noblemen see S. ŠARKIĆ, *Legal Position of Noblemen in Serbian Mediaeval Law*, *Publicationes Universitatis Miskolcensis, Sectio Juridica et Politica, tomus XXIII/II*, Miskolc University Press 2005, pp. 111–124.

³ S. NOVAKOVIĆ, *Zakonik Stefana Dušana cara srpskog 1349 i 1354*, Beograd 1898 (reprint 2004), pp. 67 and 197; English translation of the Code by M. BURR, *The Code of Stephan Dušan, Tsar and Autocrat of The Serbs and Greeks, The Slavonic (and East European) Review, Volume Twenty-Eight*, London 1949–50, p. 214.

(Serb). This can clearly be seen from article 98 of Dušan's Code, referring to a commoner's plucking (*mehoskubina*), which was adopted from the chapter of the Gračanica Charter titled *The Old Law for Serbs (Zakon stari Srbijem)*.⁴

Although they were all dependent inhabitants, not all the commoners (*sebri*) shared the identical social status. The sources allow us to differentiate several categories of commoners: 1) Villagers (*meropsi*); 2) Vlachs (dependent shepherds); 3) *Otroci* (some kind of slaves); 4) Dependent craftsmen and so-called *sokalnici*, and 5) Parish priests. In this paper we will examine the legal position of the most numerous class of commoners – villagers.

2. *Name and Social Status.* – Dependent villagers in mediaeval Serbia were usually called *meropsi* (singular = *meropah*). The meaning of the word *meropah* cannot be precisely defined, but it probably comes from the name of Thracian tribe *Meropes (Μέροπες)*, who lived in Rodope mountains (today in Greece).⁵ The term *meropsi* became common in the fourteenth century sources, but different names are used in the texts from the twelfth and thirteenth century for the villagers such as: *parici* (from the Greek *παροικοι* = colonists, settlers, lit. „one who lives nearby”, the general name for the dependent peasants in Byzantium from the tenth century through the end of the Empire, analogous, but not identical, to the serfs of mediaeval Western Europe), *zemljani ljudi*, *zemaljski ljudi*, *zemljani* (literally „men of the land”, really the agricultural labourers), *Srbliji* (Serbs), or simply *ljudi* (people, singular = *čovjek* or *človek*, meaning *man*).⁶ The legal sources starting from the Nemanja's Charter, presented to the Hilandar monastery (1198), tell us that villagers (*meropsi*, *ljudi*) could belong either to the sovereign, to the Church, or to the noblemen. This tripartite division was finally confirmed by article 112 of Dušan's Code which states: *If any man escape from prison... be he the Tsar's man, or of the Church, or of a lord... (Koji človek uteče iz tamnice... ili jest človek carstva mi, ili crkovni, ili vlastelski)*.⁷

A *meropah* (villager) could dispose with his land, but his property right was, as S. Novaković suggests, dependent on a hereditary estate burden with certain feudal duties.⁸ Villagers (*meropah*) could even sell or alienate in any other way his land, provided that the supply of labour was maintained. This could clearly be seen from article 174 of the Code: *Workers on the land (ljudije zemljane) who have their own inherited property, land, vineyards or purchased estate (kupljenice), are free to dispose*

⁴ T. TARANOVSKI, *Istorija srpskog prava u nemanjičkoj državi*, Beograd 1931, vol. I, p. 43 = *Klasici jugoslovenskog prava, knjiga 12*, Beograd 1996, p. 80.

⁵ Skok, *Etimologijski rječnik II*, p. 409. Cf. N. RADOJČIĆ, *Iz istorije proučavanja porekla naziva meropah*, *Južnoslovenski filolog*, XVIII, 1949–50, pp. 157–171.

⁶ See S. ŠARKIĆ, *Nation et humanité dans le droit médiéval serbe, Da Roma alla terza Roma*, Roma 1992, pp. 63–71. Some legal documents, written either in Greek or in Serbian, use the Greek word *χώρα* = land, district, in the meaning of the assembly of all villagers. See A. SOLOVJEV – V. MOŠIN, *Grčke povelje srpskih vladara (Diplomata graeca regum et imperatorum Serviae)*, Beograd 1936, p. 24; A. SOLOVJEV, *Odabrani spomenici srpskog prava*, Beograd 1926, pp. 130 and 170.

⁷ NOVAKOVIĆ, *Zakonik*, pp. 86 and 213; BURR, p. 518. „The word translated *prison* is *tamnica*, literally, a dark place.”

⁸ NOVAKOVIĆ, *Zakonik*, p. 173.

of their own lands and vineyards, to give them as dowries, to give them to the Church, or to sell them, but there must always be a labourer on that place for him who is lord of that village. If there be no labourer in that place for him who is lord of the village, the same lord is free to take the vineyards and the fields.⁹ Article 67 adds: ...such payment men make and work that they do, so much land let them have (...kako platu plaćaju i rabotu rabotaju, tako-zi i zemlju da drže).¹⁰

Villagers were not allowed to leave their lands and this rule was already contained in Nemanja's Charter to Hilandar. Article 201 of Dušan's Code provides: *If a serf flee anywhere from his lord to another land, or to the Tsar's, where his master find him, let him brand him and slit his nose assure that he is again his, but let him take naught from him (Meropah ako pobegne kuda ot svojego gospodara u inu zemlju ili u carevu, gde ga obrete gospodar njegov, da ga osmudi i nos mu raspори i ujemči da je opet jegov, a ništo da mu ne uzme).*¹¹ The social status of villagers did not change even in the fifteenth century. In the Charter issued in 1407 to the monastery of Hilandar despot Stefan Lazarević forbids the villagers (meropsi) from leaving their manors.¹² But, as the St George monastery Charter states, the lord loses the right to claim his deserted villager if the villager spends three years „without a master”; on the other hand, the right of the Church to claim its deserted man is without limitation.¹³

In spite of the very strict suppressions villagers (meropsi) ran away from the lands in great numbers, either abroad, or to other manors. Concerning escaping abroad, the maritime cities (Kotor, Budva, Bar, Ulcinj) and especially Dubrovnik were very attractive for villagers, as they could find there a relative exemption from feudal duties. In order to stop that practice King Dušan gave the Cape of Ston (Stonski Rt) and peninsula Prevlaka (today both in Croatia) to the Republic of Dubrovnik (Ragusa) in 1334, demanding from the Ragusan authorities *not to receive any man from my royal land, except those from my royal men, who already lived in Ston and Rt (...da ne preimu nijednoga človeka od zemle kraljevstva mi liho onehzi ljudi kraljevstva mi, koih zastaše u Stonu i u Rtu).*¹⁴ However, escaping from one manor to another was much more common. The villagers were looking for the manors where their social and economic position could be improved. It seems that villagers ran away from the manors that belonged to the worldly lords to monastery manors, because the Church lands were not required to provide soldiers to fight (art. 26). On the other hand, a permanent shortage of labour existed in mediaeval Serbia, leading lords to tempt peasants to join their manors. It seems as well, that since the services (rabote)¹⁵ on the huge manors were lesser, the villagers from lesser lords manors would desert them in favour of greater lords' lands. The ecclesiastical and worldly lords often quarrelled over deserted men,

⁹ NOVAKOVIĆ, *Zakonik*, pp. 136 and 250; BURR, p. 533.

¹⁰ NOVAKOVIĆ, *Zakonik*, pp. 55 and 187; BURR, p. 211.

¹¹ NOVAKOVIĆ, *Zakonik*, pp. 146 and 267; BURR, p. 539. We must note that the article 201 remained only in the manuscript of Rakovac from the year 1700.

¹² S. NOVAKOVIĆ, *Zakonski spomenici srpskih država srednjega veka*, Beograd 1912, p. 498.

¹³ Ibid. pp. 617–619.

¹⁴ Ibid. p. 298.

¹⁵ *Rabota* (service) is the general Slavonic word for customary labour service, corresponding to the Greek word ἄγροεργία.

causing the state power had to interfere on several occasions. King Stefan Dečanski, for example, in his Chrysobull issued in 1326 to the Episcopacy of Prizren, states the following: *And for the men who gave my royal majesty [to the Church] or my royal elder, and who ran away, let them get back, everyone on his place, and let no one support them, neither a lord, nor another church, not even me, the King (I što je pridalo kraljevstvo mi, ili roditel kraljevstva mi ljudije koi se su pređe razišli, da se povraćaju svaki na svoje mesto, a nikto da ih ne podržit, ni vlastelin, ni ina crkv, ni samo kraljevstvo mi).*¹⁶ Dušan's Law Code treats the problem of deserted villagers in several articles. First of all, article 22 protects the lord's serfs; it provided that the serfs (villagers, meropsi) deserting the lord's manor for the church land had to be sent back. The Code does not speak of the opposite case, probably because serfs who escaped the church land for a worldly lord's manor were very rare: *Any serf¹⁷ who live in the villages and hamlets¹⁸ of the Church, let them each go to his own lord.*¹⁹ In article 115 we can read: *If any man receive another from another estate who shall have fled from his own lord or court, if he produce the Tsar's letter of pardon, it shall not be contradicted. But if he show no pardon, let him be sent back (I kto jest čijega človeka prijel iz tužde zemlje, a on je pobegal ot svojega gospodara ot suda, ako da knjigu milosnu carevu, da se ne potvori; ako li ne dast milosti, da mu se vrati).*²⁰ But, in the second part of his Code (1354) Emperor Dušan solves this problem much more conclusively. With a solemn and resolute tone article 140 orders: *My Majesty commands: No man may receive any man, neither I the Tsar, nor the Lady Tsaritsa, nor the Church, nor a lord, nor any other man whosoever may receive any man without my Imperial writ. And if he receive him, let him be punished as a traitor (Poveleva carstvo mi. Nikto ničijega človeka da ne prima; ni carstvo mi, ni gospožda carica, ni crkva, ni vlastelin, ni proči ljubo kto človek da ne primi ničijega človeka bez knjige carstva mi. Ako li ga kto primi, tako-zi da se kaže kto ljubo kako i nevernik).*²¹ It was obvious that the previous prohibitions did not stop the escapes of villagers. Therefore the Tsar had to strictly forbid his subjects to receive the deserted men and, for the first time, to provide the following penalty: those who receive any man will be punished as a traitor (nevernik), and have their entire property confiscated. *And also in the market towns, county prefectures, and in the cities, if anyone receive any man, in the same way shall he be punished and given up (Takožde i trgove i knezove i po gradoveh čijega človeka primu, takožde obrazom da se kažu i odadu).*²² It was written that, those lords who harboured a foreign serf before the Council of 1354 (when the supplementary Code was

¹⁶ *Zakonski spomenici*, p. 641.

¹⁷ *Ljudije vlastelci*, literally „lord's people”.

¹⁸ The words translated „villages and hamlets” are *selo* and *katun*. The former was the smaller administrative unit within the *župa* or district. The *katuns* were the summer huts of the Vlach and Albanian shepherds in the mountains. Burr, p. 202.

¹⁹ NOVAKOVIĆ, *Zakonik*, pp. 24 and 160; Burr, p. 202.

²⁰ NOVAKOVIĆ, *Zakonik*, pp. 88 and 215; Burr, p. 519.

²¹ NOVAKOVIĆ, *Zakonik*, pp. 108 and 230; Burr, p. 525.

²² Article 141, edition NOVAKOVIĆ, *Zakonik*, pp. 109 and 230; BURR, p. 525.

promulgated) shall be tried by the first court, as is written in the first Code (... *da se ište prvim sudom, kako pišu u prvim zakoniku*).²³

3. *Feudal Duties* – Although we can surmise that the monarch and nobles generally exacted more service from villagers than the Church and consequently that there was a general desire to migrate to ecclesiastical estates, we can not prove that fact precisely. The remaining legal sources speak only of monastery serfs' duties, which were not equal on every manor.²⁴ As an illustration consider the obligations of devoting a portion of time and labour by villagers on three different monastery's manors:

a) According to the Charter issued by King Vladislav (about 1234) to the Church of Holy Virgin on river Bistrica, the monastery serfs had the following duties:

1) to plow 7,5 mats (1 mat = 939,18 square meter),²⁵ equal to one day's work; 2) to mow the hay till the work be ended; 3) to reap six days using the monastery's food; 4) to do all other jobs, ordered by the monastery prior; 5) to bring as much malt for the beer as the monastery's community needs; 6) to give on every Christmas *one uborak*²⁷ of hops; 7) to bring a burden of light-giving pinewood splinters (breme luča); 8) to give six quern stones (žr'di); 9) to give the bread, made of one *kabao* of corn (1 *kabao* = about 16 kg); 10) to give a lamb fur and one cord every year on Our Lady's Day fair; 11) to fish on holidays for the King and Archbishop as much as be ordered; 12) to give every tenth beehive.²⁸

b) According to the Charter issued by King Milutin (about 1316) to St Stephen monastery in Banjska the villagers had to perform the following services:

1) to plow 8 mats; 2) to dig the vineyard untill the Eastern; 3) to mow the hay for three days; 4) to plow one more *mat* in autumn using the monastery's food and to carry everything that plowed; 5) to reap for three days; 6) to participate in construction of a town; 7) to weed out the corn; 8) to do different jobs in the bakery; 9) to give every year

²³ NOVAKOVIĆ, *Zakonik*, pp. 130 and 245; BURR, p. 532. The words *as is written in the first Code* concerns article 115.

²⁴ The most important works on villagers' feudal duties are: S. NOVAKOVIĆ, *Selo*, Glas SANU, XXIV, 1891, second edition with the supplements by S. ČIRKOVIĆ, Beograd 1965; M. WLAINATZ, *Die agrar-rechtlichen Verhältnisse des mittelalterlichen Serbiens*, Jena 1903; R. GRUJIĆ, *Eparhijska vlastelinstva u srednjovekovnoj Srbiji*, Beograd 1932; I. BOŽIĆ, *Dohodak carski*, Beograd 1956 (Summary in French); M. BLAGOJEVIĆ, *Zemljoradnja u srednjovekovnoj Srbiji* (Summary in English), Beograd 1973; L. MARGETIĆ, *Bilješke o meropsima, sokalnicima i otrocima*, Zbornik radova Pravnog fakulteta u Novom Sadu, XXV, 1–3 (1991), pp. 91–115 (Summary in English and French). Cf. Taranovski, *Istorija I*, pp. 51–71 and D. JANKOVIĆ, *Istorija države i prava feudalne Srbije*, Beograd 1957, pp. 26–33.

²⁵ S. Čirković, *Mere u srednjovekovnoj srpskoj državi, Mere na tlu Srbije kroz vekove* Beograd 1974, p. 62 = *Rabotnici, vojnici, duhovnici*, Beograd 1997, p. 159.

²⁶ According to the research of M. Blagojević, op. cit. pp. 337–402 and pp. 428–429.

²⁷ *Uborak* is a kind of measure for cereals, 22,94 litre, according to the research of S. Čirković (*Rabotnici, vojnici, duhovnici*, pp. 151–152, and note 69). The word probably comes from Greek–Latin *amphora*. See SKOK, *Etimologijski rječnik III*, p. 534 and MAŽURANIĆ, *Prinosi*, p. 1483.

²⁸ *Zakonski spomenici*, p. 590–591.

malt and hop; 10) to give *oglav*;²⁹ 11) to give every fifth beehive; 12) to give to the Church lamb leather every year.³⁰

c) The Chrysobull of Emperor Dušan to the monastery of St Archangels Michael and Gabriel (1348) contains the Chapter *The Law for Serbs*. It shows that the villagers (Serbs) on this manor had the following duties: 1) to provide two days of work per week from every house, as well as whatever the prior of the monastery (iguman) commands; 2) to plow and carry all the corn, using the monastery food; 3) to mow the hay, as needed; 4) to work in vineyard according to „the law in Studenica“;³¹ 5) to give lamb leather, fur and 30 bundles of flax; 6) to give a tithe of corn or two dinars; 7) to carry the wood on holidays; 8) to give the light-giving pinewood splinter.³²

Differences in customary labour services (rabote) existed most probably on manors belonging to worldly lords, as well. The indication for such conclusions can be found in article 68 of Dušan's Code, which begins with words: *The law for the villager on all land (Merophom zakon po vsoi zemlji)*. This important clause represents the Emperor's desire to equalise the amount of compulsory labour required of a villager (meropah) within the territory of the State. Admittedly, the text also speaks of obligations to the fief-holder (pronijar), but the term *pronijar* replaced the common term of feudal lord in the fourteenth century. After publishing the first half of the Code (including article 68) the same duties were demanded from the monastery's serfs, which can be clearly seen from Emperor's Dušan Charter to the monastery of Hilandar, issued on May 2, 1355.³³

As article 68 standardises the obligations of all villagers we shall quote it in its entirety: *The law for the villager on all land. He shall work for two days in the week for the fief-holder and let him pay him one imperial perper in the year and let him cut his [lord's] hay with all his household one day and his vineyard one day; and if there be no vineyard, let him do other work for one day. And what a villager do, let him store it all and according to the law nothing else shall be taken from him.*³⁴ This suggests that a villager (meropah) had to work 106 days in the year for his feudal lord and to pay one *perper* to the imperial treasury. From the final sentence we can see the Tsar's intention to stop the abuses and to arrange all duties according to the law; surplus of products villager (meropah) will take for himself (*i što urabota meropah, to-zi vse da steži*) and

²⁹ The meaning of the word is not clear. F. Miklosich, *Lexicon palaeoslovenico-latinum*, Wien 1862–1865, suggests that it could be Latin *capistrum* (halter).

³⁰ *Zakonski spomenici*, pp. 625–629.

³¹ „The law in Studenica“ here refers to the particular legal rules which regulated the position of dependent inhabitants of monastery Studenica manor, established by foundation Charter issued by Nemanja. The text did not remain but it was reconstructed by S. ĆIRKOVIĆ, *Studenička povelja i studeničko vlastelinstvo*, *Zbornik Filozofskog fakulteta* XII-1, Beograd 1976, pp. 311–314. See also, M. BLAGOJEVIĆ, „*Zakon Svetoga Simeona i Svetoga Save*“ in *Sava Nemanjić – Sveti Sava, istorija i predanje*, Beograd 1979, pp. 129–166 (summary in French).

³² *Zakonski spomenici*, pp. 696. Cf. R. GRUJIĆ, *Ekonomsko-pravni odnosi sela i seljaka zadužbine cara Dušana*, sv. *Arhandela kod Prizrena u 14. veku*, *Naše selo*, edited by M. STOJADINOVIĆ, Beograd 1929, pp. 35–38.

³³ *Zakonski spomenici*, p. 431.

³⁴ NOVAKOVIĆ, *Zakonik*, pp. 55 and 187; BURR, p. 211.

nothing else, by law, shall be taken from him (*a ino, prez zakon, ništo da mu se ne uzme*).

Besides the above mentioned services, owed to their feudal lords, villagers also owed numerous obligations to the monarch (State power). The most important ones are as follows:

1) To pay the Tsar's revenue, called *soće* (articles 68 and 198). The meaning of this word remains unclear, although several hypotheses have been presented.³⁵ The tax could be paid in money (one perper) or by one *kabao* (16 kg) of corn. The date of delivery for wheat was St Demetrios' Day (Δημήτριος, in Serbian *Mitrov dan*, October 26) and the second date was at Christmas (art. 198).³⁶ *Soće* was collected from every home, be it a lord's or a commoner's. Villagers paid *soće* to their feudal lord and he subsequently remitted it to the Tsar.

2) *Obrok* (literally *meal*) or maybe *priselica* was the obligation to lodge and give food to the monarch, his family, high court dignitaries and foreign ambassadors when they travelled through the country.³⁷ This obligation was mentioned for the first time in the Charter presented by King Vladislav (1234-43) to the monastery of the Holy Virgin Bistrička.³⁸ As *obrok* was a very onerous duty for villagers, Dušan's Code attempted to

³⁵ NOVAKOVIĆ, *Zakonik*, p. 173. The Serbian word *soće* comes from the Latin *soca*, *soccus* = plough. So, *soće* could be a land tax, given to the monarch, as a sign of recognition that the land is his property. Č. MIJATOVIĆ, *Finansije srpskog kraljevstva, II. Izvori za finansijski dohodak u XIII i XIV veku*, *Glasnik SUD* XXVI, Beograd 1869, p. 214 found the similarity between *soće* and the Latin word *saccus* = purse, which was also a King's tax in some Occidental mediaeval States. Probably under his influence Novaković later on changed his mind („*Soće*” i „*sokalnik*” u srednjovekovnoj Srbiji, *Godišnjiva N. Čupića*, XXVI, Beograd 1907, pp. 124–125) and wrote that *soće* comes from a Byzantine tax called της σακέλλης. But, as I. BOŽIĆ, *Dohodak carski*, Beograd 1956, pp. 34–35, pointed out *σακέλη* was not a tax at all, rather it was the compartment of the imperial treasury (σέκρετον της σακέλλης, *σακέλλιον*). Even the name *σακέλλη* the sources mention for the last time in 1145 (See F. DÖLGER, *Beiträge zur byzantinischen Finanzverwaltung besonders des 10. und 11. Jahrhunderts*, *Byzantinisches Archiv* IX, Berlin 1927, p. 24) and it is hard to believe that the term, which disappeared in Byzantium in twelfth century could be accepted in Serbia in the fourteenth century. Besides that, Byzantine sources translate *soće* as σιτοδοσία. See SOLOVJEV-MOŠIN, *Diplomata graeca*, p. 304. Cf. and S. ĆIRKOVIĆ, *Jedan pomen soća na Peloponezu*, *Zbornik radova Vizantološkog instituta*, 7 (1961), pp. 147–151 (Summary in German) and M. BARTUSIS, *State Demands for the Billeting of Soldiers in Late Byzantium*, in the same journal 26 (1987), pp. 116–117. BURR, p. 206 says this of *soće*: „The word is the same as the Russian *socha*, which means both a two-shared plough and a plough-land. Cf. the *caruca* and the carucate of Domesday Book.” See also the latest work on *soće* by M. BLAGOJEVIĆ, *Soće – osnovni porez srednjovekovne Srbije*, *Glas Srpske Akademije Nauka i Umjetnosti, odeljenje istorijskih nauka, knjiga 11*, CCCXC (2001), pp. 1–44 (Summary in English), who suggests that 1 Serbian *kabao* (tub) had the weight in wheat being between 61,5 and 62 kilos.

³⁶ NOVAKOVIĆ, *Zakonik* pp. 146 and 265; BURR, p. 538. According to the Julian (Orthodox) Calendar St Demetrios' Day is on November 8, and Christmas on January 7. Article 198 mentions among taxes *harač*, a Turkish poll-tax. It is clear that this is the work of a later copyist (from 1700) and that the word could not occur in the pre-Turkish days.

³⁷ Many Serbian scholars have called this obligation *priselica*, mentioned by articles 57, 125, 155 and 156 of Dušan's Code. However, M. BLAGOJEVIĆ, *Obrok i priselica*, *Istorijski časopis* XVIII (1971), pp. 165–188 (Summary in French) suggests that *priselica* was the common indemnity due to the merchants and travellers, attacked by brigands and thieves.

³⁸ *Zakonski spomenici*, p. 590.

limit it. Article 133 says: *An ambassador³⁹ proceeding from a foreign country to the Tsar, or from the Lord Tsar to his own lord, when he come to any village, let honour be done him, that he have enough; but he must only stay for dinner or for supper and go his way to another village.* Article 189 in the Rakovac Manuscript orders: *and the kennel-men, falconers and swineherds, wherever they go, nothing shall be given them.* But, the same article in the Bistrica text contradicts this: *Wheresoever the horses and dogs and sheep of the Tsar go, whatsoever is written in the Tsar's books shall be given them and nought else.* It seems that the kennel-men, falconers and swineherds could only enjoy the *obrok* if they had the permission of the Tsar himself. Finally, article 110 says that *judges who travel about my dominions and in their own province may not take their maintenance by force (da nest voljan uzeti obroka po sile)...*⁴⁰

3) *Pozob* (from *zob* = oat) was the obligation of giving oats and hay to the King's or Tsar's horses, that were ridden by the monarch's suite. Dušan's Law Code does not speak of this duty, but according to the information given by some contemporary charters we can conclude that the Tsar wanted to limit the obligation of *pozob*. Tsar Dušan's Chrysobull to the monastery of St. Archangels Michael and Gabriel (1348) says that the village had to give one *krinu prevodnu* which was equivalent to 24 Emperor's *kabao* (*da daje selo krinu prevodnu jednu, a u krine 24 kbli carevi...*).⁴¹

4) *Gradozidanije* (from *grad* = town and *zidati* = to build) was the obligation to reconstruct towns and fortresses, as regulated by article 127 of the Code: *For building towns. Where a town or castle is overthrown, let the townsmen of that town rebuild it and the district in which the town is situated (Za grada zidanije. Gde se grad obori ili kula, da ga naprave graždane toga-zi grada i župa što jest predel toga grada).*⁴² The burden of reconstruction was a heavy drain on the resources of the townsmen, especially in sparsely populated districts, and therefore was shared by the surrounding district

³⁹ The word translated „ambassador” is *poklisar* from the Greek ἀποκρισιάρχιος BURR, p. 523.

⁴⁰ NOVAKOVIĆ, *Zakonik*, pp. 101 and 226; 144 and 260–261; 84 and 196; BURR, pp. 523, 537, 518. Byzantine writer Theodore Metochites (Θεόδωρος Μετοχίτης), who travelled to Serbia several times in 1299, negotiating the marriage between Emperor Andronicos' II daughter Simonis (Σιμωνίς, in Serbian Simonida) and Serbian King Milutin, gave in his *Ambassador's report* (Πρεσβευτικός) a very precious information on *obrok*. He said that within the delegation that started from Constantinople there was one Serb, who was wondering himself where he would find the food during the journey. Certainly, from the local population, said the Serb, because in his country they had to give the food to the ambassadors who travel through Serbia. But, Metochites told to his Serbian travelling companion that such kind of custom did not exist in Byzantium. Edited by K. N. Sathas, *Μεσαιωνική Βιβλιοθήκη*, I, Venezia 1872, p. 156, and L. MAVROMATIS, *La fondation de l'Empire serbe. Le kralj Milutin*, Thessalonique 1978, p. 91. See also the Serbian translation with the comment by I. Đurić in *Vizantijski izvori za istoriju naroda Jugoslavije (Fontes Byzantini Historiam Populorum Jugoslaviae spectantes)*, vol. VI, Belgrade 1986, pp. 84–85 and notes 12 and 13.

⁴¹ *Zakonski spomenici*, p. 698. As the further text of the Charter said the villagers, besides the oat, had to give some quantity of salt and the several halters. All of these duties together were considered as the *pozob*.

⁴² NOVAKOVIĆ, *Zakonik*, pp. 97 and 223; BURR, p. 522. According to the story of Byzantine writer John Kantakouzenos, the Emperor Dušan brought ten thousand workers from his State in 1350 (ἀχθοφορούντων) in order to reconstruct the fortress of Berroia (Βέρροια). See *Fontes Byzantini Historiam Populorum Jugoslaviae spectantes*, vol. VI, Belgrade 1986, pp. 503, 506 and n. 454.

(župa), which also enjoyed the protection of the city. The monastery manor's serfs were exempt from this obligation, as some charters testify.

5) *Gradobljudenje* was the service of providing guards in towns and on roads in order to protect merchants and travellers from brigands and thieves. The person responsible for the administration of the guards was the *kefalija* (prefect), who was appointed by the Tsar as his representative over the towns (art. 157). It is mentioned in Tsar Dušan's Charter to the monastery of Hilandar from June 8, 1355: *my imperial guards (bci carstva mi)*.⁴³ A. Solovjev suggests that these *bci* were identical to the Byzantine *tzakons*, or regular city guards who reported directly to the *kefalija* (prefect) and who usually were mercenaries or hereditary soldiers.⁴⁴ If we accept the hypothesis of A. Solovjev, this would mean that in mediaeval Serbia, besides the serfs whose duty was to protect the towns and roads, existed professional guards as well. In the Charter of the nun Eugenia (Princess Milica, the widow of Prince Lazar) presented to the Lavra (Λαύρα, a type of monastery) of St. Athanasios on the Holy Mountain from 1394-95, the obligation of providing the guards was called *biglja*.⁴⁵

6) Military service (*vojevanje*) was the duty of noblemen (art. 42), but they had to gather a regiment of armed villagers or other commoners (the number was dependent on their relative might) and to put them at the disposal of the Tsar (King). Churches and monasteries were exempt from military service, so their serfs did not have to execute that duty, but they probably protected the monasteries as armed guards. Despot Stefan Lazarević in the Charter given to the Lavra of St. Athanasios on the Holy Mountain on January 20, 1427 states: *...and if My Lordship should go to the war, let them [monastery's serfs] go with My Lordship... (ako se bi slučajilo gospodstvu mi samomu glavom poki na voisku, i oni da pođu za gospodstvom mi...)*.⁴⁶ This indicates that in the fifteenth century, with the increasing Turkish danger, the monastery's villagers had to perform military service, as well.

Although Dušan's Code intended to equalise the amount of compulsory labours required of the villagers on the whole territory of the State, the Charters issued after the proclamation of the Code spoke of other services, not mentioned in the Code. For example, in two Charters presented by despot Stefan Lazarević to the monastery of Hilandar (June 8, 1411) and despot Đurađ Branković to the monastery of St. Panteleimon, a Rus' establishment on Mount Athos (1428), we find *voinica*, *voištatik* and *unča* referring to the taxes provided for the maintenance of a mercenary's army.⁴⁷

In the districts conquered by Byzantium we find a very complicated fiscal system. The Greek Charters of Serbian rulers speak of different kinds of duties: some of them

⁴³ *Zakonski spomenici*, p. 428.

⁴⁴ A. SOLOVJEV, *Бычу у Душановој повелји г. 1355, Прилози за књижевност, језик и филологију*, VI, Belgrade 1926, pp. 187-188.

⁴⁵ *Zakonski spomenici*, p. 496.

⁴⁶ *Zakonski spomenici*, p. 500.

⁴⁷ *Zakonski spomenici*, pp. 466, VIII; 528, II.

are of Serbian origin, some are unknown to the Byzantine sources, whilst most of them are taken, with some changes, from Byzantine legal documents.⁴⁸

Duties of Serbian origin could be found in the Chrysobull of Tsar Dušan to the monastery of the Holy Virgin in Lykousada (in Thessaly) from November 1348: the Emperor absolves the monastery of all charges and taxes (not specifying them at all) *and from pozob and so-called priselica* (καὶ τῆς ποζοβίτζης καὶ τῆς λεγομένης πρεσέλιτζας).⁴⁹

On ex-Byzantine territory, now under Serbian rule, we find some natural obligations, unknown to the Byzantine fiscal system, where all rates were collected in hard currency. This is the reason why those natural charges are only mentioned twice in the Charters of Serbian monarchs: 1) In the King Dušan's general Chrysobull in favour of all the monasteries on the Holy Mountain from November 1345, the monasteries are exempted (among other) from the *demand of grain and cattle* (ἀπαίτησιν τοῦ σίτου καὶ τῶν ζώων)⁵⁰ 2) Tsar Dušan's Chrysobull to the monastery Esphigmenou on Holy Mountain from December 1347 mentions the exemption of *corn income* (συνδοσίαις γεννημάτων).⁵¹ However, in the Greek Charters of Serbian rulers, made upon the Byzantine model to designate the taxes coming from grain income, the same technical terms as in the Byzantine Charters – *ζεωγαπατίκιον, σιταρκία*⁵² are used. It is obvious that in the districts conquered from Byzantium, in addition to „grain taxes” (taxes coming from grain income), collected in money, there sometimes existed natural demands in grain as well.⁵³

Some of the demands that appear in the Greek Charters of Serbian monarchs are well known through the Byzantine Charters, but with same differences in terms used for their designation and in their contents as well. But, the similarity is evident. *Βελανίδιον* (fee paid to be allowed to feed hogs with acorns in the forest), for example, mentioned in the Chrysobull of Tsar Simeon (Siniša) to the Epirot nobleman John Tzaphas (January 1361), is *βαλάνιστρον* in the Byzantine Charters.⁵⁴ *Εξέτασις τοῦ ἀλλοτρίου ἀλατος* („Control over somebody else's salt”, probably the tax on salt, imported in a monastery's manor), mentioned in Tsar Dušan's Chrysobull to the monastery of

⁴⁸ On the fiscal system in the Greek districts of Serbian Empire see the brilliant study of Lj. MAKSIMOVIĆ, *Poreski sistem u grčkim oblastima Srpskog Carstva, Zbornik radova Vizantološkog instituta* 17 (1976), pp. 101–125 (Summary in French).

⁴⁹ *Diplomata graeca*, p. 158. *Pozob* and *priselica* are two feudal duties very well known from Serbian legal sources. The meaning of *priselica* in the text of the Charter (board and lodging for soldiers) is in accordance with the previous interpretations of that duty, contested by M. Blagojević, who found that *priselica* was the common indemnity owed to the merchants and travellers, attacked by brigands and thieves (see note 114). But, Blagojević did not consider Lykousada Charter and it is really very difficult to put in accordance his arguments with the above mentioned datum. Cf. B. FERJANČIĆ, *Tesalijska u XIII i XIV veku*, Beograd 1974, p. 233, and Lj. MAKSIMOVIĆ, op. cit. 114–115, and note 55.

⁵⁰ *Diplomata graeca*, p. 32.

⁵¹ Ibid. p. 114. The expression ἀπαίτησις was used in Byzantium to designate every demand in the most generalsense. *Συνδοσία* meant the special obligation of fiscal character. See MAKSIMOVIĆ, op. cit. p. 113 and note 48.

⁵² *Diplomata graeca*, p. 442 and 491.

⁵³ MAKSIMOVIĆ, op. cit. p. 114. The author suggests that these kinds of demands could have the character of requisitioning for the army needs (note 52).

⁵⁴ *Diplomata graeca*, p. 236. On the different contents of this demand in Byzantium and Serbia see p. 408.

Zographou on Holy Mountain (April 1346), could be connected with *συστολή του αλλοτρίου άλατος* of the Byzantine Charters.⁵⁵ *Εξέλασις ανθρώπων* (preparing of men for military service), from the Tsar Dušan's Chrysobull to the monastery of Xenophontos on the Holy Mountain (June 1352), represents a more common way of exact services of Byzantine Charters: *ἐξέλασις πεζῶν* (preparing of infantry), *ἐξέλασις κονταράτων* (preparing of spearmen) and *ἐξέλασις πλωίμων* (preparing of ships).⁵⁶ Finally, we find the demands, unseen until today, of a local character, called *γουβελιατικόν* or corrupted *κουβαλιατάκια*, mentioned twice in the Greek Charters of Serbian rulers, and once in the Byzantine Charters.⁵⁷

This was not the extent of the labours and services required from the villagers, either in the Serbian part of the Empire or in the districts conquered by Byzantium. The list of demands of local character is very long and it is impossible to quote them all.⁵⁸ In addition to this, the possibility of introducing new demands always existed. This is clearly stated in King Dušan's general Chrysobull in favour of all Holy Mountain monasteries: *...no tribute will be ever demanded from the estates of honourable monastery's communities on the Holy Mountain Athos, neither from those which were asked and collected before, nor from existing ones, nor even from those which will be in future invented and collected...* (οὐδε άπαιτειν ποτε άπό τῶν τοιούτων κτημάτων τῶν κατα το άγιον και σεβάσμιον ορος τον „Αθω σεβασμίων μονων κεφάλαιόν τι και άπαιτήσιν ουτε άπο τῶν πρότερον ένεργουμένων και άπαιτουμένων, οὔτε άπο τῶν νυν, οὔτε άπο τῶν έσύστερον έπινοηθησομένων και ένεργηθησομένων...).⁵⁹

4. *Right to Be Protected* – Article 139 of Dušan's Code is of extraordinary importance to the understanding of which social rights were enjoyed by villagers (*meropsi*). Therefore we shall quote it in its entirety: *No master may do to a serf within the territories of my Empire aught that is contrary to the law, save only what I have written in the Code. That shall they do and give. And if he do aught to him against the law I enact, every serf is free to lay plaint against his master, be it I the Tsar, or the Lady Tsaritsa, or the Church, or my lords or any man. No man is free to withhold a serf from my Imperial Court, only the judges shall judge him according to right. And if the serf win against his master, let my judge give warranty that this master pay all to the villein at the appointed time, and that his master do no evil to the villein after the sentence* (*Merophom va temlji carstva mi da nest voljan gospodar učiniti prez zakon ništa, razve što jest carstvo mi zapisalo u Zakonice, to-zi da mu rabota i dava. Ako li mu učini što*

⁵⁵ Ibid. p. 68. Cf. and pp. 388–389.

⁵⁶ Ibid. p. 188. Cf. and p. 433. See also MAKSIMOVIĆ, op. cit. p. 115 and note 58.

⁵⁷ Serbian Charters: 1) Tsar Dušan's Chrysobull to the monastery of Vatopediou on Holy Mountain from May 1346, *Diplomata graeca*, p. 80; 2) Tsar Dušan's Charter to the monastery Xenophontos on Holy Mountain from June 1352, *Diplomata graeca*, p. 188. The only Byzantine document is the Charter of Emperor John V to the monastery of Hilandar from 1351, *Actes de Chilandar*, ed. L. ΡΕΤΙΤ, *Византийский временник* 17 (1911), Nr 138, p. 59. On different interpretation of the meaning of *γουβελιατικός* see *Diplomata graeca*, pp. 415–416. Cf. and MAKSIMOVIĆ, op. cit. pp. 116–117.

⁵⁸ On other demands of local character see MAKSIMOVIĆ, op. cit., pp. 113–123.

⁵⁹ *Diplomata graeca*, p. 34.

*bez zakona, poveleva carstvo mi, vsaki meropah da jest voljan preti se svojim gospodarem: ili sa carstvom mi, ili sa gospoždom caricom ili sa crkvom, ili sa vlasteli carstva mi, i s kim ljubo. Da ga nest voljan nikto držati od suda carstva mi, razve da mu sudije sude po pravde. I ako upri meropah gospodara, da ujemči sudija carstva mi kako da plati gospodar merophu vse na rok, i po tom da nest voljan on-zi gospodar učiniti zlo merophu).*⁶⁰ This demonstrates that feudal masters could only demand what the Tsar had written in the code from their serfs. Accordingly, a villager could sue his lord, be it a nobleman, the Church, the Lady Tsaritsa, or the Tsar himself. If the villager won against his master, the Imperial judge was required to guarantee that the lord would pay all damages at the appointed time and that he would not avenge himself against the villein.

It seems that Tsar Dušan, by introducing article 139 in his Code, wanted to protect the villagers from the abuses of the Church and noblemen. The main reason was probably the already mentioned deficit of manpower, prevalent in mediaeval Serbia. Besides this, article 139 shows the basic goal of the Code, and that to which most of its articles were devoted, which was to regulate social relations by law. It remains only a question of whether, and to what extent, this provision was actually applied, that is to say, to whether the proclaimed principle of lawfulness was really respected. In the absence of any surviving legal decisions, the only material that could reliably satisfy these inquiries, we cannot provide the exact answer to this question.

⁶⁰ NOVAKOVIĆ, *Zakonik*, pp. 106 and 228–229; BURR, p. 524. Here again is the evidence that this part of the Code is a supplement to the original, in the reference to the earlier part that is to article 68.